

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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: MELISSA BERGER, *individually and on behalf of her* :
: *infant children A.G. and M.B.* :
:
: Plaintiff, :
: : 19-CV-6229 (JMF)
-v- :
: : ORDER OF DISMISSAL
ANNA WANG et al., :
: :
: Defendants. :
: :
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JESSE M. FURMAN, United States District Judge:

The Court having been advised by the City Defendants at ECF No. 50 that all claims between Plaintiff and the Hospital Defendants (i.e., Defendants Staten Island University Hospital and Dana Kaplan) have been settled, it is ORDERED that the above-entitled action be and is hereby DISMISSED and discontinued as to the Hospital Defendants without costs, and without prejudice to the right to reopen the action **within sixty days** of the date of this Order if the settlement is not consummated.

To be clear, any application to reopen **must** be filed **by the aforementioned deadline**; any application to reopen filed thereafter may be denied solely on that basis. **Further, requests to extend the deadline to reopen are unlikely to be granted.**

If the parties wish for the Court to retain jurisdiction for the purposes of enforcing any settlement agreement, they **must** submit the settlement agreement to the Court by the deadline to reopen to be “so ordered” by the Court. Per Paragraph 4(B) of the Court’s Individual Rules and Practices for Civil Cases, unless the Court orders otherwise, the Court will not retain jurisdiction to enforce a settlement agreement unless it is made part of the public record.

The Clerk of Court is directed to close the case as to Defendants Staten Island University Hospital and Dana Kaplan.

SO ORDERED.

Dated: May 8, 2020
New York, New York



JESSE M. FURMAN
United States District Judge